

18722. Adulteration of butter. U. S. v. 5 Tubs of Butter. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 26737. I. S. No. 4645. S. No. 4792.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 2, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. C. Christians Co., Chicago, Ill., on or about May 25, 1931, and had been transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat as provided by the act of March 4, 1923.

On June 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the portion of the product passed by this department as fit for human consumption be delivered by the United States marshal to a charitable institution, and that any unfit portion be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18723. Adulteration of butter. U. S. v. 31 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26741. I. S. No. 4647. S. No. 4803.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 8, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 31 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Calida Creamery Co., Cozad, Nebr., on or about May 26, 1931, and had been transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent of milk fat, as provided by the act of March 4, 1923.

William L. Shellhorn, New York, N. Y., agent for C. C. Bruce, Cozad, Nebr., interposed a claim for the product and admitted the allegations of the libel, consented to the entry of a decree and agreed that the product be reconditioned so that it contain at least 80 per cent of butterfat. On June 11, 1931, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$600, conditioned in part that it be reworked so that it comply with the law, and that it should not be disposed of until examined and approved by this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18724. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26736. I. S. No. 4643. S. No. 4786.)

Samples of butter from the shipment herein described having been found to contain less than 80 per cent of milk fat, the standard provided by Congress, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of New York.

On June 1, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Northwest Dairy Forwarding Co., Duluth, Minn., acting for the Exeland Cooperative Creamery Association, Exeland, Wis., on or about May 20, 1931, and had been